

**UNITED STATES DISTRICT COURT
District of Maine**

**FRONTIER COMMUNICATIONS
CORPORATION f/k/a CITIZENS
COMMUNICATIONS COMPANY,**

Plaintiff

v.

**BARRETT PAVING MATERIALS,
INC., et al.,**

Defendants

Civil No. 07-113-B-S

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on June 25, 2010, her Recommended Decision (Docket No. 229). Third Party Defendant City of Bangor (the “City”) filed its Partial Objection to the Recommended Decision (Docket No. 231) on July 12, 2010. Third Party Plaintiff Pan Am Railways, Inc. and Maine Central Railroad Company (together, the “Railroad”) filed its Objection (Docket No. 232) on July 12, 2010. This Objection included a request for oral argument (Docket No. 233). The City filed its Response to Third Party Plaintiffs’ Objections (Docket No. 238) on July 26, 2010. The Railroad filed its Response to Third Party Defendants’ Partial Objection (Docket No. 239) on July 28, 2010.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and

determine that no further proceeding is necessary.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge (Docket No. 229) is hereby **AFFIRMED**.
2. It is hereby **ORDERED** that Third Party Defendant's Motion to Dismiss the Railroad's Third Party Complaint (Document No. 213) is **GRANTED IN PART AND DENIED IN PART**. In accordance with this ruling, the Court hereby **DISMISSES** Counts I through VI and all of Count VII but for the declaratory judgment claims that corresponds with the contract indemnification claim in Count VII.
3. In an exercise of its discretion, the Court hereby **DENIES** the Third Party Plaintiff's request for oral argument (Docket No. 233).

/s/ George Z. Singal

United States District Judge

Dated this 25th day of August 2010.